ROYAL COLLEGE OF SURGEONS OF ENGLAND.

A HANDY BOOK

OF

SANITARY LAW.

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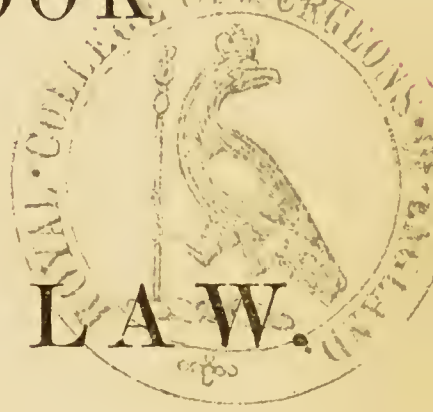
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A

HANDY BOOK

OF

SANITARY LAW.



BY

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INTRODUCTION.

The following Manual has been prepared in pursuance of the recommendation of a Committee appointed by the Society of Arts, in December, 1864, for the purpose of considering the best means of improving the dwellings of the labouring classes.

In their Report, the Committee remarked as follows:

"Whatever progress may be made in building or "adapting houses by individuals or societies, the great "mass of the labouring population, for many years to "come, must necessarily live in very crowded neigh- "bourhoods, in houses now existing, and not originally "adapted to contain several families under one roof.

"It is, therefore, of the first importance that the "owners of existing houses, inhabited by the poor, "should be obliged to provide those sanitary appliances "which are required for the preservation of the health "of their tenants, and to check, when it occurs, the "progress of infectious disease. Long experience has

" shown that nothing but constant inspection and com-
" pulsory measures will meet the carelessness and
" cupidity of the owners of this kind of property.

" The present sanitary laws are comprehensive, and,
" on the whole, efficient, although there are some parti-
" culars in which the Committee think they require
" amendment, especially with relation to the inspection
" of houses let to lodgers, but not now subject to the
" provisions of the Common Lodging Houses Act.

" The provisions of the Sanitary Acts are not, how-
" ever, sufficiently known, nor do those who are quali-
" fied by intelligence and position to attend to the
" sanitary condition of their own neighbourhood inte-
" rest themselves as much as could be desired in seeing
" that the powers of the law are put in execution."

The Committee, therefore, recommended that the Council should prepare and publish a concise analysis of the existing law, hoping thereby to call the attention of the educated classes to this important subject, and to point out how they may, merely by a little attention and exertion, confer most important benefits upon a large mass of working people, and upon the country generally.

The plan pursued in the following pages has been to divide each subject into the following heads, according to the locality of the evil which is to be remedied :—

1. The City of London.

2. The Metropolis, beyond the City, which is regulated by the Metropolis Management Acts.

3. Places to which the Public Health Act and Local Government Acts have been applied.

4. Places to which none of the above Acts are applicable—that is, generally, small towns and country districts.

The bodies in which the authority for enforcing the sanitary laws is vested differs in these various districts, and is as follows :

1. In the City of London, the governing body is the Commissioners of Sewers.

2. In the Metropolis, the governing bodies are the vestries of the respective parishes, or the district boards, where parishes are united for the purposes of the Metropolis Management Act, who are also the local authorities under the Nuisances Removal Acts. For it is to be observed that the Nuisances Removal Acts apply to the kingdom generally, and may be employed to supplement any deficiencies in the operation of the Metropolis Management Acts, and the Public Health and Local Government Acts.

3. The local authority for exercising the powers of the Public Health, and Local Government Acts, is the local board of health, that is to say, in corporate towns, the mayor, aldermen, and burgesses, acting by the council; in other places, the town improvement commissioners, or an elective board, as the case may be.

4. The authority for exercising the powers of the Nuisances Removal Acts in places where the Public Health Act is in force, is the local board of health; for any other place wherein a town council exists, the

mayor, aldermen, and burgesses, by the council; except in the City of London, where it is the Commissioners of Sewers; and in Oxford and Cambridge, where it is the Local Improvement Commissioners. In any place where there is no local board of health, or town council, but where there are trustees or commissioners under a local improvement Act, it is such trustees or commissioners.

In the Metropolitan district, the parish vestries or district boards are the local authority. In all other places not included in the above classes, the power is vested in the guardians for the parish or the union: and if there are no such guardians, in the overseers of the poor.

But in any place where there was a highway board, or a nuisance removal committee, chosen by the vestry under the Nuisances Removal Act of 1855, existing in 1860, and then employing a sanitary inspector—such highway board or nuisance removal committee may continue to act in that capacity.

The City Commissioners of Sewers, the Metropolitan vestries, and the local boards of health, are empowered to appoint medical officers of health, and inspectors of nuisances in their respective districts: and the local authorities for executing the Nuisances Removal Acts, have power to appoint inspectors of nuisances, and to employ from time to time the medical officer of the union in making sanitary inquiries and reports.

STATUTES REFERRED TO.

Slaughter House Licensing Act,		26 Geo. 3, c. 71.
Metropolis Improvement Act (Local),		57 Geo. 3, c. xxix.
Towns Improvement Act,	1847,	10 & 11 Vict. c. 34.
Public Health Act,	1848,	11 & 12 Vict. c. 63.
Cattle Infectious Diseases Act,	1848,	11 & 12 Vict. c. 107.
City Sewers Act (Local),	1848,	11 & 12 Vict. c. clxiii.
„ „ (Local),	1851,	14 & 15 Vict. c. xci.
Common Lodging House Act,	1851,	14 & 15 Vict. c. 28.
„ „ „	1853,	16 & 17 Vict. c. 41.
Metropolis Water Act,	1852,	15 & 16 Vict. c. 84.
Vaccination Act,	1853,	16 & 17 Vict. c. 100.
Smoke Nuisance Act,	1853,	16 & 17 Vict. c. 128.
„ „	1856,	19 & 20 Vict. c. 107.
Metropolis Management Act,	1855,	18 & 19 Vict. c. 120.
„ „	1862,	25 & 26 Vict. c. 102.
Diseases Prevention Act,	1855,	18 & 19 Vict. c. 116.
Metropolitan Building Act,	1855,	18 & 19 Vict. c. 122.
Nuisances Removal Act,	1855,	18 & 19 Vict. c. 121.
„ „	1860,	23 & 24 Vict. c. 77.
„ „	1863,	26 & 27 Vict. c. 117.
Purification of the Thames Act,	1858,	21 & 22 Vict. c. 104.
Public Health (Privy Council) Act,	1858,	21 & 22 Vict. c. 97.
Local Government Act,	1858,	21 & 22 Vict. c. 98.
„ „	1861,	24 & 25 Vict. c. 61.
Alkali Works Act,	1863,	26 & 27 Vict. c. 124.

MAIN DRAINAGE.

City of London.

By the "City Sewers Act, 1848," all sewers and public drains in the City of London are vested in the Commissioners of Sewers, appointed by the Corporation (s. 52), and the commissioners have power to construct sewers, drains, vaults, &c., and to do all necessary works (s. 53), and to deepen and alter the same (s. 54). Water companies are to supply water if required by the commissioners for flushing and scouring sewers, cleansing pavements, &c., on being remunerated (s. 55). The commissioners to provide traps, or by ventilation, or otherwise, to prevent effluvia from rising through the gully-holes (s. 68). There is a penalty not exceeding 5*l.* for any scavenger or other person sweeping dirt into any sewer or drain, or any dock, or inlet into which it may discharge ("City Sewers Act, 1851," s. 4); and a penalty of 200*l.* for allowing gas-washings, &c., to flow into the sewers ("City Sewers Act, 1848," s. 76). Powers are given to make communications between the City sewers and those outside the City, on giving remuneration (ss. 73, 74).

The Metropolis.

The main sewers of the metropolis are vested in, and managed by, the Metropolitan Board of Works, under the "Metropolis Management Act, 1855," s. 135. District sewers are vested in the vestries or district boards of the respective parishes (s. 68) The main sewers are enumerated in Schedule D of the Act; but the Metropolitan Board of Works may construct new sewers, and may declare district sewers to be main sewers (s. 137): and the vestries, &c., may transfer their powers of sewerage to the Metropolitan Board (s. 89, and "Metropolis Management Act, 1862," s. 28). The sewers are to be kept clear (s. 72), and the effluvia prevented from rising through the gully-holes (s. 71, and see "Metropolis Management Act, 1862," s. 27). By the "Metropolis Management Act, 1862," s. 58, vestries, &c., may in certain cases carry their works beyond the limits of the metropolis.

See also the 21 & 22 Vic. c. 104, empowering the Metropolitan Board to construct works for discharging the sewage, and preventing it from passing into the Thames.

Places under the Public Health and Local Government Acts.

The sewers and public drains, generally, are under the control of the Local Board ("Public Health Act," s. 43, &c.). And by the "Local Government Act, 1858," s. 30, local boards may exercise their powers of cleansing and empty-

ing sewers, &c., also beyond their district, if necessary, for the purpose of outfall and distribution of sewage: and by s. 31, they may obtain an order from the vestries for cleansing out any open ditch in an adjoining place which shall be offensive and injurious to the health of their own district.

Places to which none of the above Acts apply.

By the "Public Health Act, 1848," s. 50, it is enacted, that if it shall appear to a majority of not less than three-fifths of the rated inhabitants of any place containing less than 2,000 inhabitants at the last census, assembled at a public meeting to be called as therein provided, that it would contribute to the health and convenience of the inhabitants, that any pond, pool, open ditch, sewer, drain, or place containing or used for the collection of drainage, filth, water, matter or thing of an offensive nature, or likely to be prejudicial to health, should be drained, cleansed, covered, or filled up; or that a *sewer should be made or improved*, a well dug, or a pump provided for the public use of the inhabitants, the churchwardens and overseers of such parish or place shall procure a plan and an estimate of the cost of executing such works, and shall lay the same before another public meeting of such rated inhabitants; and if the same shall be approved and sanctioned by a majority of the rated inhabitants assembled at such last-mentioned meeting, such churchwardens and overseers shall cause the works, in respect of which such estimate shall have been made

and sanctioned, to be executed, and shall pay the cost thereof out of the poor-rates of such parish or place. Notice of every such meeting must be given as therein provided.

And by the "Nuisances Removal Act, 1855," surveyors and district surveyors may cleanse all ditches, gutters, drains, and water-courses through any land adjoining any highway, upon compensating the owner (s. 21); and whenever any ditch, gutter, &c., used, or partly used, for the conveyance of water, filth, sewage, or other matter, from any house, building, or premises, cannot be rendered innocuous without laying down a sewer along the same, or instead thereof, the local authority is required to lay it down, and keep it in repair, and may assess the houses that benefit by it (s. 22).

HOUSE DRAINAGE.

City of London.

By the "City Sewers Act, 1848," all private drains (both in existing and new buildings) communicating with the public sewer are to be repaired and cleansed under the inspection of the surveyor of the commissioners (s. 57.) The owners or occupiers are to cleanse drains when required; and, in default, the commissioners may do the work and recover the expenses (s. 58.) The commissioners may compel owners to make drains into the sewers, and to furnish traps, &c.;

and, in default, may make the drains themselves, and recover the expenses (ss. 61, &c., and *see* "City Sewers Act, 1851," s. 11.) Notice of new buildings and of new drains is to be given to the commissioners, and the foundations and drains to be made under the control of the commissioners; and in default, or if any foundations or drain be made contrary to the orders of the commissioners, they may cause the building to be demolished, and the drain relaid at the expense of the owner (s. 63.) All drains, privies, and cesspools are under the control of the commissioners, and must be repaired and kept in proper order at the cost of the owners or occupiers; and, in default, the commissioners may repair them and put them in order at the expense of the owners or occupiers (s. 70.) For this purpose the commissioners have power to inspect drains, &c. (ss. 71, 98); and there is a penalty for altering sewers, drains, &c., contrary to their order (s. 72).

There is a penalty not exceeding 40*s.* for allowing stagnant water to remain in any cellar or yard, or permitting any water-closet, privy, or cesspool to overflow (s. 87), and a penalty not exceeding 5*l.* for permitting urine, or other filthy or offensive liquid to flow from any building or private court or passage, upon the footway, or into the surface channel of any street ("City Sewers Act, 1851," s. 39).

No houses are to be built without privies and ashpits being provided ("City Sewers Act, 1848," s. 100), and in all cases the commissioners may require owners of houses to provide them (s. 99.) In factories certain

water-closets are to be provided (s. 101), and owners of houses must keep privies and ashpits in repair; or, in default, they are subject to a penalty not exceeding 5*l.*, and 10*s.* for each day the neglect continues (s. 102.) Owners of houses are also bound to empty and cleanse privies and cesspools within two days of the notice from the commissioners; and, in default, the commissioners may cause the same to be done at the owner's expense ("City Sewers Act, 1851," s. 30). See also "City Sewers Act, 1848," s. 77, *infra*, p. 32.

The Metropolis.

Under the "Metropolis Management Act, 1855," the vestry or district board may compel owners of existing houses to drain efficiently into the nearest sewer, provided there be one within 100 feet and on a lower level (s. 73.) In default, the vestry or district board may do the work, and recover the expenses, or sue the owner for a penalty not exceeding 5*l.* before a justice ("Metropolis Management Act, 1862," s. 64).

Where no proper sewer is within 200 feet of the house, the owner may be required by the vestry to drain into a properly constructed and covered cesspool ("Metropolis Management Act, 1862," s. 66).

The vestry, &c., may, by their officers, inspect any house to ascertain the state of the drainage, after giving twenty-four hours' notice to the occupiers; or, in case of necessity, without notice, and may open the ground if necessary. If upon such inspection the drains, &c., be

found to be in bad order the vestry, &c., may require the necessary works to be done; and, in default, may do them, and recover the expenses from the owner or occupier, or sue for penalty ("Metropolis Management Act, 1855," ss. 82, 83, and "Metropolis Management Act, 1862," s. 64).

In case of houses about to be built or re-built, or of any drain about to be made, the person intending to build, &c., must give seven days' notice in writing to the vestry, &c., who must make an order within fifteen days, at latest, ("Metropolis Management Act, 1862," s. 63), before beginning the work; and the vestry, &c., may give particular directions as to the drainage into a sewer if within 100 feet, or otherwise into a cesspool. In case of default or disobedience, the building, &c., is liable to be demolished, and the vestry, &c., may make the drain and recover the expenses ("Metropolis Management Act, 1855," ss. 75, 76). No new house may be built without sufficient water-closet or privy; and in case any existing house be without one, the vestry may require the owner or occupier to provide a sufficient water-closet or privy, or either of them, as the case may require. In default the vestry may do the work and recover the expenses from the owner, or sue him for a penalty (s. 81, and "Metropolis Management Act, 1862," s. 64).

In case of open and offensive ditches, ponds, or drains, the vestry, &c., may require them to be cleansed or covered, or a proper drain to be provided. In default they may do the work, and recover the expense from

the owner, or sue him for a penalty. Where this interferes with the right of any party to the use of water, compensation is to be made (s. 86, and "Metropolis Management Act, 1862," s. 64). See also, "the "Nuisances Removal Act, 1855," ss. 8, 12; and the "Nuisances Removal Act, 1860," s. 13.

Places under the Public Health and Local Government Acts.

These Acts contain a variety of clauses, very similar in character to those in the Metropolis Management Acts, the local board of health having the control over all drains, &c. No new house may be built without such drains as the surveyor of the district may think necessary, and the drains must run into the sea, or a sewer, if within 100 feet; and if not, into a covered cesspool. And if the drains in any house, whether then existing or new, be insufficient, the board may cause one to be constructed at the expense of the owner ("Public Health Act," s. 49). Houses may not be built without a sufficient water-closet or privy, under a penalty not exceeding 20*l.*; and if the water-closet, &c., in any house, whether then erected or new, shall appear to the board to be insufficient, they may cause one to be made at the owner's expense (s. 51, and see s. 50, given at length, *ante*, p. 14).

The local board are to see that all drains whatever, and the water-closets, privies, cesspools, and ashpits, within their districts, are constructed and kept so as not to be a nuisance and injurious to health; and the board have power, upon the written application of any person

complaining of the state of any drain, &c., to grant authority to the surveyor to open and inspect it; and if it shall be found in bad condition, the board shall give notice to the owner to amend it, and in default the owner is liable to a penalty; or the board may execute the works themselves, and recover the expense (s. 54, amended by "Local Government Act, 1858," s. 33). There is a penalty not exceeding forty shillings for allowing stagnant water to remain in a cellar, &c., for more than twenty-four hours after notice, or for allowing the contents of any water-closet, privy, or cesspool to overflow ("Public Health Act," s. 49). And generally every local board has power to make bye-laws (*inter alia*) with respect to the level, width, &c., of new streets, and the provisions for the sewerage thereof, and with respect to the drainage of buildings, and to water-closets, privies, ashpits, and cesspools, in connection with buildings ("Local Government Act, 1858," s. 34).

Places to which none of the above Acts apply.

Questions of house drainage can only be dealt with in such places under the Nuisances Removal Acts. The word nuisance is defined so as to include any premises in such a state as to be a nuisance, or injurious to health, or any pool, ditch, gutter, water-course, privy, cesspool, drain, or ashpit, so foul as to be a nuisance, or injurious to health ("Nuisances Removal Act, 1855," s. 8). The local authorities, upon notice from any person aggrieved thereby, or from their own inspector of nuisances, or

any of their paid officers, or two or more inhabitant householders, or the relieving officer, or any constable of the district (s. 10), have power to enter and inspect the state of any premises complained of (s. 11). If they are satisfied of the existence of the nuisance, they are to bring the case before the justices in petty sessions, who will make an order at the cost of the party complained of, for the abatement of the nuisance (s. 12). By this order the justices may require the party complained of to provide sufficient privy accommodation, means of drainage, or to drain, empty, fill up, or remove the injurious pool, ditch, &c., and may direct the works necessary to prevent the recurrence of the nuisance. They may also prohibit the use of any house found to be unfit for human habitation until it be rendered fit (s. 13). Persons disobeying such an order are liable to a penalty; or the local authorities may themselves enter and abate the nuisance, and do the necessary works at the expense of the offender (s. 14). Where the order is such as to require structural works, there is an appeal to Quarter Sessions (ss. 16, 40).

Where any ditch or drain from any house is a nuisance, and cannot in the opinion of the local authority be rendered innocuous without laying down a sewer or other structure, they are to lay down such sewer, and keep it in repair (s. 22). See also "Public Health Act, 1848," s. 50, given at length, *ante*, p. 14. And by the "Nuisances Removal Act, 1860," s. 13, any inhabitant of any parish or place may complain to any justice of the peace, of the existence of any nuisance on any private

premises; and thereupon the justices in petty sessions have power to authorize any person or persons to enter and act as the local authority might have done under a like order made under the "Nuisances Removal Act, 1855," and may make orders for abating the nuisance, and persons disobeying will be subject to like penalties as under the last-mentioned Act.

OVER-CROWDING.

With respect to over-crowding in common lodging houses, see the head of "Common Lodging Houses."

The only enactment which applies to over-crowding in dwellings generally, is the 29th section of the "Nuisances Removal Act, 1855," which enacts that whenever the medical officer of health, if there be one, or if none, whenever two qualified medical practitioners, shall certify to the local authority that any house is so over-crowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, the local authority shall cause proceedings to be taken before the justices to abate such over-crowding, and the justices shall thereupon make such order as they may think fit, and the person permitting such over-crowding shall forfeit a sum not exceeding 40*s*.

COMMON LODGING HOUSES.

City of London.

By the "City Sewers Act, 1851," s. 10, in case the medical officer of health shall certify that the keeper of any common lodging house allows his house to be overcrowded, or allows persons with infectious diseases to remain in it, or that the house is unfit for the reception of lodgers from being ill ventilated, or not sufficiently cleansed, or for any other reason, or that there has been excessive sickness or mortality in it, no more lodgers shall be received into such house until it has been registered; and the commissioners shall have power to determine the number of lodgers, and make regulations as to the management of such registered lodging houses; and the officer appointed by them shall at all times have access for the purpose of making inspection or inquiry, or of using any disinfecting process; and any keeper of a lodging house violating such regulations shall be liable to a penalty not exceeding 5*l.* for every day on which the offence shall be committed. The expression "common lodging house," is defined to mean any house, not being a licensed victualler's house, let, or any part of which is let, at a daily or weekly rent not exceeding the

rate of 3*s.* 6*d.* per week, or in which persons are harboured or lodged for hire for a single night, or for less than a week at one time, or in which any room let for hire is occupied by more than one family at one time.

The Metropolis and all other parts of England except the City of London.

The "Common Lodging House Act, 1851" (14 & 15 Vict. c. 28), directs the local authority to register all common lodging houses, and the number of lodgers they are authorized to receive (ss. 6, 7); and empowers them to make regulations for their good management (s. 9.), and impose penalties (s. 10). The local authority is defined to be, in the metropolis, the commissioners of police; in places where there is a district board of health, the district board; in other places the councils of boroughs, the trustees or commissioners of improvement Acts, or the justices of the peace in petty sessions, as the case may be (s. 3). There is no definition of a common lodging house, but it is to include any part of a house used as a common lodging house (s. 2). Keepers of lodging houses must give notice of fever, &c. (s. 11); must admit the officer of the local authority at all times for the purpose of inspection (s. 12); must clean all the rooms, passages, &c., and drains, as often as the local authority may require, and limewash the walls and ceilings twice a year, in April and October (s. 13). By a subsequent Act, the "Common Lodging House Act, 1853" (16 & 17 Vict. c. 41), no lodger may be received

into a common lodging house until the house has been approved and registered; and no person may keep such a house unless his name be entered on the register, except the relative of a deceased keeper, for four weeks after his death (s. 3). A sufficient supply of water must be secured for every common lodging house, or the house may be removed from the register (s. 6). The local authority may remove persons sick of infectious diseases to the hospital, and destroy their clothes (s. 7). Keepers of lodging houses which vagrants frequent may be required to report every day the persons who have resorted to their houses (s. 8). The local authority acting under the Nuisances Removal Act must, on receiving a certificate from a police constable, or inspector of lodging houses, of the existence of any nuisance, take proceedings to remove it under the provisions of the last-mentioned Act (s. 9). A third conviction for offending against the Act may disqualify any person from keeping a lodging house for five years, or for a shorter period, without a special license from the local authority (s. 12).

In addition to this Act, the 66th section of the "Public Health Act, 1848," contains a provision for the registration and regulation of common lodging houses, with power of access for the officer of the local board for the purpose of inspection between the hours of 11 a.m. and 4 p.m. It is to be observed that there is no such limitation of the hours of inspection in the provisions of the "Common Lodging House Act, 1851" (ss. 12, 15).

UNDERGROUND DWELLINGS.

City of London.

Under the "City Sewers Act, 1851," no cellar under a house in any court may be occupied as a dwelling (s. 11). Nor may any cellar under a house in any street be inhabited unless it is at least 8 feet in height, and is at least 3 feet of its height above the surface of the street; nor unless certain conditions are fulfilled as to the area in front of it, the drainage, floor, use of water-closet, and dust-bin, fire-place, and window (ss. 12, 14). The penalty for violation of the Act is a sum not exceeding 2*l.* and 10*s.* for every day during which the offence continues (s. 13). A cellar is deemed to be occupied as a dwelling, in which any person has passed the night (s. 15).

The Metropolis.

By the "Metropolis Management Act, 1855," no room, the floor of which is more than 3 feet below the street, may continue to be occupied separately as a dwelling (that is to say for sleeping in), even though so occupied before the passing of this Act, unless it possess certain

requisites as to the area in front, the fire-place, and the size and power of opening of the window. And no room, not so occupied before the passing of the Act, can be used as a dwelling unless it be 7 feet high, and have at least one foot of its height above the street, with proper area, fire-place, and window, and unless it be properly drained and secured from the rise of effluvia from drains, and unless there be appurtenant to it the use of a proper water-closet, or privy, and ash-pit (s. 103). And the district surveyor is bound to make a periodical return of all underground dwellings contrary to the enactment; and he, or any other person, having reasonable ground for believing that any room is occupied contrary to the Act, has power of entry in the day-time to inspect such dwellings, and, if admission is refused, may apply to a magistrate to authorize the inspection (s. 104 and "Metropolis Management Act, 1862," s. 62). The penalty for violating the Act is a sum not exceeding 20*s.* for each day during which the dwelling is so occupied ("Metropolis Management Act, 1855," s. 103).

Places under the Public Health and Local Government Acts.

In these places, no cellar or underground room, built or rebuilt after the 31st August, 1848, can be let or occupied separately as a dwelling (for sleeping in). Nor can any cellar, or underground room, previously so occupied, continue to be so used unless it possesses requisites nearly analogous to those prescribed by the

Metropolis Management Act. The penalty for violating this enactment is a sum not exceeding 20*s.* for each day. But as to dwellings already so occupied, the enactment is not to come into force within any district until the expiration of six months from the time when the Act shall have been applied thereto ("Public Health Act, 1848," s. 67.)

Places to which none of the above Acts apply.

In places not coming under any of the above Acts, and which are therefore only subject to the Nuisances Removal Acts, such underground dwellings can only be proceeded against if they can be shown to be in such a condition as to be a nuisance, or injurious to health.

WATER SUPPLY.

City of London.

By the "City Sewers Act, 1848," the commissioners are empowered to require owners of houses to provide cisterns, and to contract with a water company for a proper supply of water (s. 105), and no house can be built without such a cistern (s. 106). And if the owner shall neglect to supply a cistern or to contract with a water company, the commissioners may do so at the expense of the owner (s. 107). But if at any time, owing to a

continuous supply of water being supplied to the City, the necessity for such cisterns should cease, the above provisions shall no longer be binding ("City Sewers Act, 1851," s. 31).

The Metropolis.

By the "Metropolis Management Act, 1862," the vestry or district board may require the owner or occupier of a house to obtain a water supply from a water company, provided it can be obtained at a rate not exceeding 3*d.* a week, and to do all works necessary for the purpose; and if the notice is not complied with, the vestry, &c., may do the works and recover the expenses (s. 67). It does not appear that any penalty can be recovered. And under the same section, in case the water supply to any house is such that it would have been sufficient if the house were occupied by one family, but that it is insufficient for the actual number of inmates, the vestry, &c., may require the occupier to obtain a further supply of water, and to do all necessary works, or else to reduce the number of tenants; and, in case of non-compliance, he may be proceeded against under the "Nuisances Removal Act, 1855," s. 29, as for over-crowding. See *ante*, p. 22.

The Act regulating the companies for the supply of water to the metropolis is the "Metropolis Water Act, 1852" (15 & 16 Vict. c. 84).

Places under the Public Health and Local Government Acts.

Under the "Public Health Act, 1848," the local authorities may provide a supply of water for their district (s. 75), and when that is done they may enforce a supply of it to any house at a rate not exceeding 2*d.* a week, or such other rate as may be sanctioned by the local Act if any (s. 76). And see "Local Government Act, 1858," ss. 51, 52; and "Local Government Act, 1861," s. 20.

Places to which none of the above Acts apply.

As to water supply in country districts, see "Pumps and Fountains," *infra.*

PUMPS AND FOUNTAINS.

City of London.

By the "City Sewers Act, 1848," water companies are required to supply water for supplying pumps, cisterns, public baths and washhouses, &c., upon being remunerated (s. 55).

The Metropolis.

By the "Metropolis Management Act, 1855," the vestries and district boards have power to cause wells to be dug and pumps to be fixed in public places for the gratuitous supply of water (s. 116).

Places under the Public Health and Local Government Acts.

In these places, by the "Public Health Act, 1848," the local authorities may cause all existing public cisterns, pumps, wells, &c., used for the gratuitous supply of water to be maintained and supplied, and may make and maintain new ones (s. 78), and see "Local Government Act, 1858," s. 45, incorporating "Towns Improvement Act, 1847," s. 121.

Places to which none of the above Acts apply.

In such places, if they contain less than 2,000 inhabitants, the churchwardens and overseers must, on the requisition of a majority of three-fifths of the rated inhabitants, assembled at a public meeting, provide a well or pump out of the poor rates, the estimate to be sanctioned at a second meeting ("Public Health Act, 1848," s. 50; see the clause set out at length, *ante*, p. 14). There is a penalty of 200*l.* for fouling streams, reservoirs, &c., with gas washings ("Nuisances Removal Act, 1855," s. 23), and a penalty of 5*l.* for damaging or fouling any pump, well, or fountain ("Nuisances Removal Act, 1860," s. 8).

OFFENSIVE ACCUMULATIONS.

City of London.

By the "City Sewers Act, 1848," the commissioners may require the owners of houses to provide ashpits (s. 99), and no new house is to be built without one (s. 100). The owners must keep them in repair under a penalty of 5*l*., and 10*s*. a day so long as the offence continues (s. 102). By the "City Sewers Act, 1851," s. 28, the word "ashpit" is to include a dust-bin. Scavengers are appointed under the "City Sewers Act, 1848," s. 82. Owners and occupiers must pay the scavengers for the removal of accumulations from the refuse of trades (s. 84), and in case of dispute, the commissioners are to decide ("City Sewers Act, 1851," s. 6). The commissioners have power, on the receipt of a certificate of two medical men or of the medical officers of health, or on complaint of any owner or occupier of any house, of the filthy or unwholesome condition of any dwelling house, or of the accumulation of any offensive or noxious matter, refuse, dung, or offal, or of the existence of any foul or offensive drain, privy, or cesspool, or of any insufficient drainage, whereby any nuisance may arise, to order the premises to be cleansed and the nuisance

abated; and in default the commissioners may do the work themselves, and recover the expense from the owner or occupier ("City Sewers Act, 1848," s. 77). And any person obstructing the officer of the commissioners, is liable to a penalty not exceeding 10*l.* (s. 78). And in case of persons permitting their premises to become a nuisance a second time, they are liable to a penalty not exceeding 10*l.* ("City Sewers Act, 1851," s. 5), and if any house in the opinion of the medical officer of health shall be permanently unwholesome or unfit for human habitation, the commissioners may take it down (s. 41). Accumulations of dung or soil in a stable or cowhouse must not accumulate for more than fourteen days, or for more than three days after a quantity exceeding a cubic yard shall be collected (except in a stable yard, in a pit properly constructed), and there is a penalty not exceeding 40*s.* for not removing such accumulations after notice (s. 8). There is also a penalty for emptying privies, &c., and carrying offensive matter through the streets at improper times ("City Sewers Act, 1848," s. 114).

The Metropolis.

Under the "Metropolis Management Act, 1855," persons building or rebuilding houses without a sufficient ashpit, with proper door and covering, are liable to a penalty not exceeding 20*l.*; and if it shall appear at any time to the vestry, &c., that any house, whether built before or after the Act, is without sufficient ashpit, they may require the owner or occupier to provide one, and in default may do the work themselves, and recover the

expenses or sue for a penalty (s. 81; and the "Metropolis Management Act, 1862," s. 64.) If the scavengers appointed by the vestry, &c., fail in performing their duty in removing the dirt, ashes, &c., according to their contract, they are subject to a penalty (s. 125); and all persons refusing to permit them to clear it away are liable to a penalty not exceeding 5*l.* (s. 126). The refuse of trades is to be removed by the scavengers, the owner paying them a reasonable sum (s. 128): and if there is any dispute, it is to be determined by the vestry (s. 129).

Other accumulations of offensive matter must be dealt with under the Nuisances Removal Acts, as being nuisances or injurious to health. The vestries have power to contract for the removal of dung from stables and cowhouses ("Metropolis Management Act, 1862," s. 95).

Places under the Public Health and Local Government Acts.

In the "Public Health Act, 1848," s. 51, there are similar provisions as to providing ashpits as in the metropolis; and the inspector of nuisances has power to require the removal of all manure, soil, filth, or other offensive or noxious matter whatsoever, and in case of default the local authority may remove and sell the same (s. 59). And by the "Local Government Act, 1858," local boards have power to undertake, or to contract for, the removal of house refuse, and for the cleansing of privies, ashpits, &c.; and any person obstructing the contractor is liable to a penalty not exceeding 5*l.* When

they do not themselves undertake or contract to do this, they may make bye-laws imposing the duty of such cleansing and removing on the occupiers: and they may also make bye-laws for the prevention of nuisances arising from snow, filth, dust, ashes, or rubbish (s. 32). The same section provides for the recovery of the expenses by the local board in removing noxious or offensive accumulations, under the 59th section of the Public Health Act beforementioned.

Places to which none of the above Acts apply.

The word "nuisance" is defined by the "Nuisances Removal Act, 1855," s. 8, to include any privy, cesspool, or ashpit, so foul as to be a nuisance or injurious to health, and any accumulation or deposit which is a nuisance or injurious to health, except where such accumulation or deposit is necessary for the carrying on of any business or manufacture, and has not been kept longer than necessary, and the best available means have been taken for protecting the public from injury to health thereby. However, if the persons carrying on offensive trades appear to the justices in petty sessions not to have used the best practicable means to abate the nuisance or counteract the effluvia, they may inflict a penalty (s. 27), subject, however, to appeal to a superior court (s. 28). In all other cases offensive accumulations may be dealt with by complaint made before the justices, by the local authority, or by any inhabitant, as previously explained in defective house drainage (see *ante*, p. 20).

VENTILATION.

City of London and the rest of the Metropolis.

By the "Metropolitan Building Act, 1855," 18 & 19 Vict. c. 122, s. 29, every building used or intended to be used as a dwelling (unless all the rooms are lighted and ventilated from a street or alley adjoining) shall have in the rear or on the side thereof an open space exclusively belonging thereto of the extent of at least 100 square feet.

Places under the Public Health and Local Government Acts.

Under the "Local Government Act, 1858," s. 34, the local board may make bye-laws with respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings; but no such bye-laws shall affect any building erected before the district shall be brought under the operation of the Act. For this purpose the re-erection of any house, or conversion of any other building into a house, or of one house into more than one, is to be considered as the erection of a new building.

Places to which none of the above Acts apply.

The "Nuisance Removal Act, 1855," s. 8, defines a nuisance to include premises in such a state as to be a "nuisance or injurious to health." If therefore the want of ventilation should be of such a nature as to render the dwelling injurious to health, the justices would have power to require the owner or occupier to remedy the evil. See especially s. 13, where ventilation is expressly mentioned.

WHITEWASHING AND CLEANSING.

City of London.

If it should appear to the commissioners on the report of the officer of health, or otherwise, that any premises are in a filthy or unwholesome condition, the commissioners may order them to be whitewashed, and if the owner or occupier does not comply with the order, there is a penalty not exceeding 20*s.* for each day's neglect; or the commissioners may do the work and recover the expenses ("City Sewers Act, 1848," s. 81; and see also s. 77).

The Metropolis.

There are no special provisions on this subject under the Metropolis Management Act. Recourse must be had to the Nuisances Removal Act (see *infra*, p. 38).

Places under the Public Health and Local Government Acts.

By the "Public Health Act, 1848," s. 60, it is enacted that if upon the certificate of the officer of health (if any), or of any two medical practitioners, it appears that any house is in such a filthy or unwholesome condition that the health of any person is endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to check or prevent infectious or contagious diseases, the local board may require the owner or occupier so to do; and if he fail to comply, the board may do it at his expense.

Places to which none of the above Acts apply.

Under the "Nuisances Removal Act, 1855," s. 13, the justices may require owners and occupiers to pave, cleanse, whitewash, disinfect, or purify premises which are a nuisance or injurious to health; and they have the same powers of enforcing their order as with respect to other nuisances.

KEEPING PIGS.

City of London.

By the 57 Geo. 3., c. xxix. s. 68, the keeping of pigs within forty yards of any street within the limits of the bills of mortality is absolutely forbidden.

The Metropolis.

In the area lying beyond the limits of the bills of mortality, but within the district of the Metropolis Management Acts, the 91st section of the "Metropolis Management Act, 1862," applies, by which no person may keep swine in an unfit place, or where it may create a nuisance, or be otherwise injurious to health; and any person offending shall be liable to a penalty not exceeding 40*s*., and a further penalty not exceeding 10*s*., for each day of the continuance of the offence. The penalty is to be recovered in a summary proceeding before the justices, who may prohibit the keeping of swine in the same place in future.

Places under the Public Health and Local Government Acts.

By the "Public Health Act, 1848," s. 59, whoever keeps any swine or pigstye in any dwelling-house, so as to be a nuisance to any person, is liable to a penalty not exceeding 40*s*., and to a further penalty of 10*s*. for every day of the continuance of the offence; and the local board shall abate the nuisance, and recover the expenses in a summary manner.

Places to which none of the above Acts apply.

An animal so kept as to be a nuisance, or injurious to health, is included under the definition of a nuisance under the "Nuisances Removal Act, 1855," s. 8.; and

the justices have power to make orders for the cleanly and wholesome keeping of such animals; or if that be impossible, for their removal (s. 13). And generally they have the same power in this as in the case of other nuisances.

SLAUGHTER-HOUSES AND OFFENSIVE TRADES.

City of London.

By the "City Sewers Act, 1851," regulations are made for the licensing of slaughter-houses, and for their good management (ss. 18 to 26). Rules are to be made for their cleanliness, &c., and they are to be visited by inspectors. No cellar, &c., the floor of which is more than eighteen inches below the surface of the ground, is to be used as a slaughter-house (s. 23). No live cattle are to be kept in cellars under a penalty not exceeding 5*l.* (s. 47). No person may exercise the trade of a knacker, or dealer in dead horses, or carrion, within the city, under a penalty not exceeding 5*l.* for each day ("City Sewers Act, 1848," s. 97). In case other offensive trades, as candle-makers, soap-boilers, &c., are carried on in such a way as to cause a nuisance, the commissioners may abate the nuisance (s. 108), and sue for a penalty (s. 109). There is also a penalty for causing offensive smells with drugs, &c. (s. 113), and for exposing hides in the streets in an offensive condition ("City Sewers Act, 1851," s. 49). As to the nuisance arising from smoke, see the same Act, s. 48.

The Metropolis.

By the "Metropolis Management Act, 1862," s. 93, no slaughter-house for cattle, or cow-house, can be used without a licence from the magistrates, which is renewable annually; and at the granting of such licences, notice is to be given to the vestry, in order that they may, if they think fit, be heard against the grant (s. 94). But this does not apply to slaughter-houses erected under the Metropolitan Market Acts. Vestries, &c., may contract for the removal of the dung from cow-houses (s. 95).

Houses for slaughtering horses and other animals not killed for butcher's meat, are licensed by quarter sessions under the 26 Geo. 3, c. 71.

There are no other provisions in the Metropolis Management Acts specially relating to offensive trades. However, the 57 Geo. 3, c. xxix. s. 67, which provided for the removal or remedying of any hog-stye, slaughter-house, horse-boiling establishment, or other matter being a nuisance within the bills of mortality, is still in force, and is extended by the "Metropolis Management Act, 1862," s. 102, to the whole metropolitan district. It is presumed that offensive trades may be proceeded against under this enactment; but generally offensive trades within the metropolitan districts are best dealt with under the Nuisances Removal Act (see *infra*, p. 43).

With respect to the nuisance from smoke, see the "Smoke Nuisance Abatement Act, 1853" (16 & 17 Vict. c. 128), and the "Amendment Act, 1856" (19 & 20 Vict. c. 107).

Places under the Public Health and Local Government Acts.

"The Local Government Act, 1858," (s. 45), incorporates the 125th and following sections of the Towns Improvement Act (10 & 11 Vict. c. 34), under which the local board may license slaughter-houses and knackers' yards, and make bye-laws for regulating the same, and impose penalties for violating them. And any person who uses a place for such purposes, without a licence, is liable to a penalty not exceeding 5*l*., and a like penalty for every day after conviction, upon which the offence is continued. And the justices before whom persons are convicted for killing or dressing cattle, contrary to the Act, or breaking the bye-laws, may, in addition to the penalty suspend the licence, or, on a further offence, revoke it (s. 129).

By the "Public Health Act, 1848," the business of a blood-boiler, bone-boiler, fellmonger, slaughterer of cattle, horses, or animals of any description, soap-boiler, tallow-melter, tripe boiler, or other noxious or offensive business, trade, or manufacture, is not to be newly established without the consent of the local board, under a penalty of 50*l*., and a further penalty of 40*s*. per day during which the offence is continued, and the local board may make bye-laws with respect to newly established businesses of that nature, in order to prevent or diminish the noxious effects (s. 64), Provided that nothing in the Act should render lawful anything that but for the Act would be deemed a nuisance

(s. 65). (See also provisions of Nuisances Removal Act, *infra*).

With respect to the nuisance arising from smoke, see the "Towns Improvement Act, 1847," s. 108, incorporated in the "Local Government Act, 1858."

Places to which none of the above Acts apply.

By the "Nuisances Removal Act, 1855," if any candle-house, melting-house, or soap-house, or any slaughter-house, or any building, or place for boiling offal, or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, business, process, or manufacture, causing effluvia, is certified to the local authority by a medical officer or any two legally qualified medical practitioners, to be a nuisance, or injurious to health, the local authority is to complain to a justice, who may summon the person carrying on the business before two justices in petty sessions; and if it shall appear to them that the offender has not used the best means to prevent or counteract the effluvia, they may inflict a penalty not exceeding 5*l*., or for each subsequent conviction a sum double the amount of the last (so that it shall not exceed 200*l*.), or they may suspend their decision upon condition of the offender adopting such means as they may order, for abating or mitigating the nuisance or effluvia. But the enactment does not extend beyond the limits of any city, town, or populous district (s. 27). An appeal from the decision lies to quarter sessions, or the party

complained of may object to the jurisdiction of the justices, upon condition of giving security to abide the result of proceedings in the superior courts of law or equity, which are thereupon to be taken by the local authority for abating the nuisance (s. 28.)

With respect to the nuisance arising from alkali works, see the "Alkali Works Act, 1863" (26 & 27 Vict. c. 124).

DISEASED MEAT.

The City of London.

By the "City Sewers Act, 1851," the inspectors of slaughter-houses are to enter and inspect slaughter-houses and seize any carcass or meat which appears to them unsound and unfit for human food, and to carry it before a justice, who shall order it to be examined by some competent person, and if it shall be declared to be diseased or unsound it is to be forthwith destroyed. There is a penalty not exceeding 5*l.* for obstructing the inspectors in the execution of their duty (s. 26). And the inspectors have also power to inspect any meat exposed for sale in any part of the City, and if it shall appear to them unfit for food they may seize and destroy it; with a like penalty for obstructing them (s. 27).

And if any butcher, dealer in meat, or other person, shall expose or offer for sale in any shop, warehouse, building or other place, any unsound or unwholesome

meat, fish, poultry, fruit, vegetables, or other provisions unfit for the food of man, he is liable to a penalty not exceeding 40*s*., and the meat, &c., is to be given up to the inspector of slaughter-houses to be destroyed (s. 52).

The Metropolis.

There are no special provisions in the Metropolis Management Acts on this subject. Cases of diseased meat may be dealt with under the "Cattle Infectious Diseases Prevention Act, 1848" (11 & 12 Vict., c. 107), and the Nuisances Removal Acts (see *infra*).

Places under the Public Health and Local Government Acts.

The "Public Health Act, 1848," provides that the inspector of nuisances may at all reasonable times enter into and inspect any shop, building, stall, or place, kept or used for the sale of butchers' meat, poultry or fish, or as a slaughter-house, and examine any animal, carcass, meat, poultry, game, flesh, or fish, which may be therein: and if it appear to him to be intended for the food of man, and to be unfit for such food, it may be seized: and a justice has power to order it to be destroyed, and to inflict a penalty on the person in whose custody it is found, not exceeding 10*l*. (s. 63).

Similar provisions are inserted in the Towns Improvement Act (s. 131), incorporated in the "Local Government Act, 1858."

Places to which none of the above Acts apply.

By the "Cattle Infectious Diseases Prevention Act, 1848" (11 & 12 Vict., c. 107), it is enacted that if any animal unfit for human food be exposed or offered for sale in any market, fair, or any other open or public place, the clerks, inspectors, &c., of the market, or constable or policeman, or other person authorized by the mayor or two justices, or appointed by Her Majesty in Council, have power to seize the same; and the mayor, or any justice having jurisdiction, may order it to be destroyed, and the person offering it for sale is liable to a penalty not exceeding 20*l.* (s. 3). The Act does not apply to the City of London (s. 21). This Act is extended from time to time, and now stands extended to the end of the Session of 1866.

By the "Nuisances Removal (Diseased Meat) Act, 1863," the medical officer of health, or inspector of nuisances, may at all reasonable times inspect and examine any animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, or intended for the food of man; the proof that the same was not exposed or deposited for such purpose, or was not intended for the food of man, resting with the party charged: and in case any such animal, &c., appear to the medical officer to be diseased, or unsound, or unwholesome, or unfit for the food of man, it shall be lawful for him to seize the same; and if it shall appear to a justice that such is the

case, he may order it to be destroyed, or otherwise disposed of; and the person in whose possession, or on whose premises the same is found, is liable to a penalty not exceeding 20*l.*, or at the discretion of the justice, without a fine, to imprisonment for not more than three months (s. 2). There is a penalty not exceeding 5*l.*, for obstructing the medical officer in the execution of his duty (s. 3).

INFECTIOUS DISEASES.

By the "Diseases Prevention Act, 1855" (18 & 19 Vict., c. 116), amended by the "Public Health (Privy Council) Act, 1858" (21 & 22 Vict., c. 97), the Privy Council have power, whenever any part of England appears to be threatened with any formidable epidemic or contagious disease, to make an order putting in force the powers of the Act throughout England, or any part thereof, for six months, and to renew the order from time to time (s. 5), and to issue regulations for the speedy interment of the dead, for house to house visitation, for guarding against the spread of disease, and for giving medical aid to the sick (s. 6). Such orders and regulations to be published in the "Gazette" (ss. 5, 7), and to be laid before Parliament (s. 10). The local authorities are to see to the execution of these regulations (s. 8, amended by "Nuisances Removal Act, 1860," ss. 10, 11).

The local authorities have also at all times power to provide and maintain carriages for the conveyance of persons suffering under any contagious or infectious disease, and to convey such persons to hospitals and other places; and they are to be allowed their expenses, as if incurred under the Diseases Prevention Act ("Nuisances Removal Act, 1860," s. 12).

The vaccination of the poor is provided for and enforced by the 16 & 17 Vict., c. 100, amending and extending the previous Acts. Parishes and unions are to be divided into districts for this purpose (s. 1). Every child must be brought by the parents to be vaccinated within three months after its birth; or, in case of the inability of the parents, by the person having charge of it, within four months (s. 2); and the child must be brought to be inspected on the eighth day (s. 3). The penalty for non-compliance with the Act, after notice, is twenty shillings (s. 9).

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